



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2005 REGULAR SESSION

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HOUSE BILL NO. 201

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MONDAY, FEBRUARY 14, 2005

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 11, 2005  
1:20 pm  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Handie Allison

AN ACT relating to State Police promotions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1 Section 1. KRS 16.010 is amended to read as follows:

2 As used in KRS 16.030 to 16.170, unless the context requires otherwise:

3 (1) "Cabinet" means the Justice Cabinet;

4 (2) "Secretary" means the secretary of justice;

5 (3) "Commissioner" means the commissioner of the Department of State Police;

6 (4) "Officer" means any member of the Kentucky State Police who possesses the  
7 powers of a peace officer;

8 (5) "Civilian" means such experts, statisticians, clerks, and other assistants who do not  
9 possess the powers of a peace officer;

10 (6) "Board" means the State Police Personnel Board; and

11 (7) "Department" means the Department of State Police.

12 **(8) "Continuous service" for participation in and eligibility for the promotional**  
13 **process for each rank means:**

14 **(a) For sergeant, service as a commissioned Kentucky State Police officer that**  
15 **has not been interrupted by actual separation from the department, whether**  
16 **in the form of resignation, retirement, or termination;**

17 **(b) For lieutenant, service in grade as a sergeant that has not been interrupted**  
18 **by actual separation from the department, whether in the form of**  
19 **resignation, retirement, termination, or by demotion in accordance with**  
20 **KRS 16.140;**

21 **(c) For captain, service in grade as lieutenant that has not been interrupted by**  
22 **actual separation from the department, whether in the form of resignation,**  
23 **retirement, termination, or by demotion in accordance with KRS 16.140.**

24 Section 2. KRS 16.055 is amended to read as follows:

25 (1) Promotions to sergeant within the department shall be on the following terms and

1 conditions:

- 2 (a) The applicant must have served six (6) years of continuous service as a  
3 commissioned State Police officer~~[ for a period of six (6) years]~~ to be eligible  
4 for promotion to sergeant;
- 5 (b) Promotions shall be based on cumulative scores computed from twenty  
6 percent (20%) on personnel performance evaluation, forty percent (40%) on  
7 job simulation examination, and forty percent (40%) on a written  
8 examination;
- 9 (c) The promotional list shall continue in existence for one (1) year, shall consist  
10 of the numerical scores and rankings of each applicant, and promotions shall  
11 be made in consecutive order beginning with the highest numerical ranking to  
12 fill an interim vacancy. When two (2) or more applicants receive the same  
13 numerical score, the order of placement on the list shall be determined by  
14 seniority of service. Upon the determination of a new numerical ranking  
15 following a new examination, all previous rankings shall be null and void;
- 16 (d) The written examination shall be prepared and administered by an individual  
17 designated by the commissioner. The materials and textbooks will be selected  
18 by the commissioner and his staff. The commissioner will inform all  
19 applicants at least three (3) months prior to the examination date of the exact  
20 material from which test questions will be taken;
- 21 (e) The written test shall be administered to all applicants at the same time.  
22 Immediately upon completion of the written test the applicant will receive his  
23 numerical score. Such numerical score shall remain valid for a period of two  
24 (2) years following the date of examination unless the source material upon  
25 which the test is based is changed by more than thirty percent (30%);
- 26 (f) The job simulation examination shall be evaluated by boards designated by  
27 the commissioner consisting of the commissioner or his designated appointee

1 not lower than rank of captain, an officer from another police agency of the  
2 rank equal to the position for which the applicant is competing, an instructor  
3 from an accredited law enforcement education program, a personnel director  
4 from private industry, and an officer from the Kentucky State Police of the  
5 rank equal to the position for which the applicant is competing;

6 (g) The designated job simulation examination boards will perform all  
7 evaluations under guidelines developed and approved by the commissioner;  
8 and

9 (h) Personnel evaluations shall be made by the appropriate supervisory personnel  
10 under procedures established and approved by the commissioner.

11 (2) Promotions from sergeant to lieutenant within the department shall be on the same  
12 terms and conditions as promotions to sergeant. In addition, any applicant for  
13 lieutenant must have completed at least one year (1)~~[three (3) years]~~ of continuous  
14 service in grade as sergeant.

15 (3) Promotions from lieutenant to captain within the department shall be on the same  
16 terms and conditions as promotions to lieutenant. In addition, any applicant for  
17 captain must have completed at least one year (1)~~[three (3) years]~~ of continuous  
18 service in grade as lieutenant.

19 (4) The department will develop and administer only one (1) test for each of the above  
20 ranks. All eligible applicants will be permitted to participate in the promotional  
21 process to the next highest position of responsibility wherever a vacancy exists.

22 (5) Officers promoted to rank of sergeant, lieutenant, or captain shall serve a  
23 probationary period for one (1) year of continuous service from the effective date of  
24 their promotions, and may be reverted to their previous rank with or without cause  
25 at any time during this period.

26 (6) The provisions of KRS 16.140 to the contrary notwithstanding, all ranks above the  
27 grade of captain are temporary and shall not be subject to the provisions for

1 selection and promotion as required herein. All officers in such temporary positions  
2 shall serve at the pleasure of the commissioner and shall revert to their previous  
3 permanent rank upon the termination of their temporary appointment.

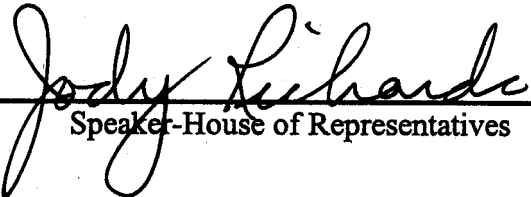
4 (7) The total number of supervisory officers of all classifications shall be limited to a  
5 ratio not to exceed one (1) supervisor for every five (5) nonsupervisory officers.

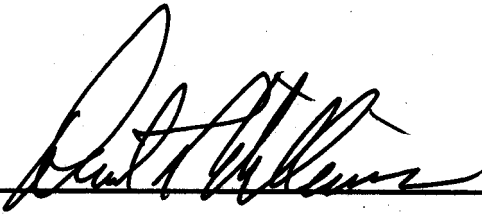
6 (8) No officer of the department, other than temporary positions above the rank of  
7 captain, shall be promoted to the next highest rank without competing with other  
8 officers as prescribed by this promotional procedure.

9 (9) There shall be no discrimination based on race, sex, age, national origin, color,  
10 religion, creed, or political affiliation with respect to the department promotional  
11 system. All personnel actions are to be based solely on merit.

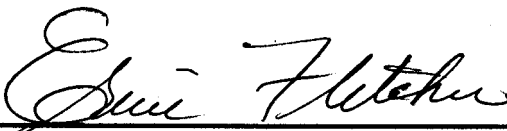
12 Section 3. The provisions of this Act shall only apply to the 2006 Kentucky State  
13 Police sworn promotional process and any sworn promotional processes thereafter.

14 Section 4. This Act takes effect January 1, 2006.

  
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Speaker-House of Representatives

  
\_\_\_\_\_  
President of the Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date   
\_\_\_\_\_